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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,043	05/10/2002	Joseph Frederick Fritsch	Q67954	8901

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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 09/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,043

Applicant(s)

FRITSCH ET AL.

Examiner

William J. Klimowicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 50-52, 58, 59, 63 and 67 are objected to because of the following informalities:

The claims should be drafted in a manner consistent with current U.S. practice. Words such as “ideally,” and “advantageously” (e.g., see claim 50, line 5 and line 7; claim 51, line 4, line 5 and line 7; claim 52, line 6, line 8; claim 58, line 6; claim 59, line 4; claim 63, line 4) should be omitted or otherwise amended.

With regard to claim 52 (line 6), the phrase “range of 20~ to 80~.” should be modified to reflect a correct angular range, such as in degrees. Also, the period after “80~” should be removed.

With regard to claim 63 (line 4), the word “t~” should be changed to the word --to-- or should otherwise be appropriately amended.

With regard to claim 67 (line 1), the phrase “interface means (2.3)” should be reworded as the phrase --interface means (2, 3)--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 48-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 50 (line 3), claim 51 (line 2, 3, 6), claim 52 (line 3, line 5), claim 53 (line 3), claim 5 (line 2), claim 56 (line 3, line 4), claim 57 (line 3), claim 58 (line 4), claim 59 (line 3), claim 63 (line 3), claim 65 (line 3, line 4), line, the word “preferably” in the noted offending claims is vague and ambiguous. The recitation of the word “preferably” within the body of the claims renders the claim indefinite since it is not certain whether the features of the claim limitations linked by the word “preferably” and recited subsequent thereto, are to be taken as positive limitations. The claims are thus rendered indefinite since the resulting claims do not clearly set forth the metes and bounds of the claims.

With regard to claim 52, the claim depends from itself, thus rendering the metes and full scope of the claim unascertainable.

Claim 53 depends from cancelled claim 5 and also claim 64 (lines 5) incorporates structure from cancelled claims 1-34, thus rendering both claims unascertainable in terms of their full metes and bounds.

With regard to claims 48 (line 1 bridging line 2 and also at line 2), claim 60 (line 1 and line 2), claim 64 (line 1 and line 2), claim 66 (line 1 bridging line 2 and also at line 2) and claim 67 (line 1 bridging line 2 and also at line 2), the phrase “of the type hereinbefore defined” does not refer back to positive structure as set forth in the claimed invention, and hence the limitations or element modified by the offending phrase lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 48-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Arata et al. (JP 6-267098 A).

As per claim 48, Arata et al. (JP 6-267098 A) discloses a protective device for protecting an interface means (11) of a read and/or write unit, the read and/or write unit comprising a receiving area (e.g., at (1)) for receiving a data carrier (22), the interface means (11) being located in or adjacent the receiving area for interfacing with the data carrier (22) for reading from and/or writing to the data carrier (22), characterized in that the protective device comprises a carrier means (disc (22)) for engaging in the receiving area (1) of the read and/or write unit, and a protecting means (21) carried on the carrier means (22) for engaging the interface means (11) for protecting the interface means (11) when the carrier means (22) is engaged in the receiving area (1).

As per claim 49, the protecting means (21) is located on the carrier means (22) at a position which when the carrier means (22) is located in the receiving area (1) coincides with an inoperative position of the interface means (11), and/or a position at which the interface means (11) expects to find directory and/or other data on a data carrier (22).

As per claim 50, the protecting means (21) engages the interface means (11) with a portion of the interface means (11) nested into the protecting means (21 - i.e., full contact). Note

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the further limitations of claim 51 are considered to be optional, since they are modified by words such as “preferably,” “advantageously” and “ideally” and are not considered positive limitations.

As per claim 51, the protecting means (21) is resilient. Note the further limitations of claim 51 are considered to be optional, since they are modified by words such as “preferably,” “advantageously” and “ideally” and are not considered positive limitations.

As per claim 52, the carrier means (22) defines a central axis (9) for in use coinciding with a rotational axis of a data carrier (22) in the receiving area (1). Note the further limitations of claim 52 are considered to be optional, since they are modified by words such as “preferably” and “advantageously” and are not considered positive limitations.

As per claim 53, the protecting means (21) extends circumferentially around the central axis defined by the carrier means (22). Note the further limitations of claim 53 are considered to be optional, since they are modified by words such as “preferably” and are not considered positive limitations.

As per claim 54, the protecting means (21) is spaced apart from the central axis defined by the carrier means (22) - FIG. 3.

As per claim 55, the protecting means (21) protects the interface means (11) from dirt and dust. Note the further limitations of claim 55 are considered to be optional, since they are modified by words such as “preferably” and are not considered positive limitations.

As per claim 56, an indicating means (e.g., the raised surface of (21) itself functions as an indicator, indicating to the user that such a member face must face the lens in the receiving area in order to clean the lens) is provided for indicating the direction (e.g., a right side up direction

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or an upside down direction) in which the carrier means (5) is to be inserted in the receiving area (1) of the read and/or write unit. Note the further limitations of claim 56 are considered to be optional, since they are modified by words such as “preferably” and are not considered positive limitations.

As per claim 57, the protecting means (21) is located on the carrier means (22) for cleaning the interface means (11) as the carrier means (22) is being inserted in the receiving area (1). Note the further limitations of claim 57 are considered to be optional, since they are modified by words such as “preferably” and are not considered positive limitations.

As per claim 58, the carrier means (22) is provided for engaging in a disc receiving area (1) of a disc drive read and/or write unit (FIG. 1), and the protecting means (21) is provided for protecting a read and/or write head (11) forming the interface means (11) of the read and/or write unit. Note the further limitations of claim 58 are considered to be optional, since they are modified by words such as “preferably” and “advantageously” and are not considered positive limitations.

As per claim 59, the protecting means (21) is for protecting a read and/or write head (11) provided by an optical head (11). Note the further limitations of claim 59 are considered to be optional, since they are modified by words such as “preferably” and “advantageously” and are not considered positive limitations.

As per claims 60 and 64, Arata et al. (JP 6-267098 A) discloses a method for protecting the interface means (11) of a read and/or write unit in which the read and/or write unit comprises the receiving area (1) for receiving a data carrier (22), and the interface means (11) is located in or adjacent the receiving area, the method comprising the steps of inserting a carrier means (22)

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having a protecting means (21) mounted thereon into the receiving area (1) of the read and/or write unit, and engaging the protecting means (21) with the interface means (11) when the carrier means (22) is engaged in the receiving area (1) for protecting the interface means (11).

As per claim 61, the protecting means (21) protects the interface means (11) from dirt and/or dust.

As per claim 62, the protecting means (21) protects the interface means (11) from shock (due to the composition of the material of (21) as being a resilient material, such as felt, and thus the lens (11) will contact the resilient material (21) as opposed to a hard disc surface when exposed to any shock which might be incurred).

As per claim 63, the protecting means (21) cleans the interface means (11) as the carrier means (22) is being inserted into the receiving area (1). Note the further limitations of claim 63 are considered to be optional, since they are modified by words such as "preferably" and "advantageously" and are not considered positive limitations.

As per claim 65, the read and/or write unit is a disc drive read and/or write unit (FIG. 1), and the interface means (11) is a read and/or write head. Note the further limitations of claim 65 are considered to be optional, since they are modified by words such as "preferably" and are not considered positive limitations.

Additionally, as per claim 66, the carrier means (22) is for engaging in the receiving area of the read and/or write unit, and the cleaning means (21) is carried on the carrier means (22) for alignment with the interface means (11) when the carrier means (22) is located in the receiving area (1) so that movement of the interface means (11) when the read and/or write unit is

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activated for identifying data the interface means (11) is moved into and out of the cleaning means (21) for cleaning the interface means (11) (i.e., in the focusing direction).

Additionally, as per claim 67, activation of the read and/or write unit (FIG. 1) for causing the interface means (11) to move relative into and out of the cleaning means (21) (focusing direction) for identifying data for cleaning the interface means (11).

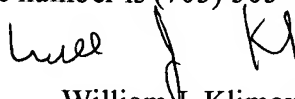
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


William J. Klimowicz
Primary Examiner
Art Unit 2652

WJK
September 10, 2003